

REMARKS

Applicants have added claims 98-123. Please note that these new claims correspond to original claims 22-26, 31, 33-37, 44, 46-49, 51-54, 56-59, and 61-62, which were previously canceled. Claims 65 and 90 have been canceled as they are directed to a non-elected group. Applicants submit that the new claims are fully supported by the original specification and no new matter has been introduced.

In reply to the outstanding Restriction Requirement, mailed March 2, 2005, Applicants hereby elect, with traverse, Group IV (claims 21, 28, 40, and 43), drawn to a vector encoding a chimeric and a repair substrate, a mammalian cells comprising a chimeric nucleic acid and a repair substrate, and a method of changing a target sequence in genomic DNA of a mammalian cell by using a chimeric nucleic acid and a repair substrate. Applicants submit that new claims 98-123 depend from claim 21, 28, or 43, and thus belong to Group IV. Applicants traverse the restriction requirement based on the reasons which follow.

Applicants submit that Group IV is closely related to Group I (claims 1-13), which is directed to a chimeric nuclease and a nucleic acid encoding a chimeric nuclease. Claims of these two groups encompass overlapping subject matter based on nucleic acids encoding a chimeric nuclease that comprises a DNA binding domain and a cleavage domain. Accordingly, searches related to these two groups are co-extensive. Indeed, Applicants note that both Group I and Group IV are classified in class 435. Thus, simultaneous examination of the pending claims of Groups I and IV will not impose a substantial additional burden on the Examiner. Pursuant to MPEP 803, “[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions” (emphasis added).

For the above reasons, Applicants submit that there is no significant additional burden on the Examiner to search Group I together with the elected Group IV. Therefore, reconsideration and withdrawal of the restriction requirement are respectfully requested.

CONCLUSION

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to Deposit Account No. 18-1945, under Order No. CTCH-P01-016 from which the undersigned is authorized to draw.

Dated: April 1, 2005

Respectfully submitted,

By 

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